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U.S. Serial No. 10/721,139

Filed November 25, 2003

Confirmation No. 6344

"Heat Exchanger Tubing With Connecting Member And Fins And Methods of
Heat Exchange"

Attorney Docket: 03-0950 ESCM 370029-00001

Restriction Requirement (2 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Baolute Ren) Examiner Teresa J. Walberg
Serial No. 10/721,139) Group Art Unit 3742
Filed November 25, 2003) Confirmation No.: 6344
For Heat Exchanger Tubing With) Atty. Docket No.: 03-0950
Connecting Member And Fins And)
Methods Of Heat Exchange) ESCM 370029-00001

Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 6, 2004

Sir:

This is in response to the Restriction Requirement Office Action dated November 17, 2004, where the Examiner required election between method claims based on four sets of Figures. Applicant is not familiar with this type of restriction based on the drawings. The Figures are representations of certain aspects of the invention.

Applicant is not familiar with case law that requires every minute aspect of the invention to be illustrated if it is described in the specification, and submits Fig. 5 should not be separated from Figs. 1-4 nor claims 5 and 6 separated from claims directly related to Figs. 1-4.

However, applicant elects Fig. 1-4. Applicant submits that claim 1 is generic to Figs. 1-4 and relates to tubes (1) having channel (5) therein connected with

plate (3) having fins (7). The Examiner states that no channels are shown in Figs. 1-4 but tube channels (5) are shown-see applicant's specification page 7 para [28].

Applicant submits that the claims 1-4, 8-9, 11 and 19 should be classified as a single group relating to Figs. 1-4 and so elects. Applicant submits those claims all relate to one distinct invention, and are related to a single species per 35 U.S.C. 121. Applicant also requests Fig. 5 be combined with the grouping of Figs. 1-4 and claims 5 and 6 added to the elected above list of claims.

Applicant suggests that the search may be coextensive, for example relating to Fig. 6, and after the search is made requests that the Examiner consider whether all the claims can be prosecuted together.

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Respectfully submitted,



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